

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 132 be amended to read as follows:

- 1 Page 55, line 37, after "division" insert "**of family resources and**
- 2 **the department of child services**".
- 3 Page 57, between lines 28 and 29, begin a new paragraph and insert:
- 4 "SECTION 91. IC 12-17.2-2-1, AS AMENDED BY P.L.162-2005,
- 5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 6 JULY 1, 2006]: Sec. 1. The division shall perform the following duties:
- 7 (1) Administer the licensing and monitoring of child care centers
- 8 or child care homes in accordance with this article.
- 9 (2) Ensure that a national criminal history background check of
- 10 the applicant is completed through the state police department
- 11 under IC 10-13-3-39 before issuing a license.
- 12 (3) Ensure that a criminal history background check of a child
- 13 care ministry applicant for registration is completed before
- 14 registering the child care ministry.
- 15 (4) Provide for the issuance, denial, suspension, and revocation of
- 16 licenses.
- 17 (5) Cooperate with governing bodies of child care centers and
- 18 child care homes and their staffs to improve standards of child
- 19 care.
- 20 (6) Prepare at least biannually a directory of licensees with a
- 21 description of the program capacity and type of children served
- 22 that will be distributed to the legislature, licensees, and other
- 23 interested parties as a public document.
- 24 (7) Deposit all license application fees collected under section 2
- 25 of this chapter in the **division of family resources** child care fund
- 26 **established by IC 12-17.2-2-3.**
- 27 (8) Require each child care center or child care home to record
- 28 proof of a child's date of birth before accepting the child. A child's
- 29 date of birth may be proven by the child's original birth certificate
- 30 or other reliable proof of the child's date of birth, including a duly
- 31 attested transcript of a birth certificate.
- 32 (9) Provide an Internet site through which members of the public

- 1 may obtain the following information:
- 2 (A) Information concerning violations of this article by a
- 3 licensed child care provider, including:
- 4 (i) the identity of the child care provider;
- 5 (ii) the date of the violation; and
- 6 (iii) action taken by the division in response to the violation.
- 7 (B) Current status of a child care provider's license.
- 8 (C) Other relevant information.
- 9 The Internet site may not contain the address of a child care home.
- 10 However, the site may include the county and ZIP code in which
- 11 a child care home is located.
- 12 (10) Provide or approve training concerning safe sleeping
- 13 practices for children to:
- 14 (A) a provider who operates a child care program in the
- 15 provider's home as described in IC 12-17.2-3.5-5(b); and
- 16 (B) a child care home licensed under IC 12-17.2-5;
- 17 including practices to reduce the risk of sudden infant death
- 18 syndrome.".
- 19 Page 58, line 29, after "The" insert "**division of family resources**".
- 20 Page 58, line 31, after "article" insert ".".
- 21 Page 58, line 31, after "article" strike "and".
- 22 Page 58, line 32, delete "IC 31-27.".
- 23 Page 58, line 34, after "article" insert ".".
- 24 Page 58, line 34, strike "and".
- 25 Page 58, line 34, delete "IC 31-27.".
- 26 Page 63, line 8, after "the" insert "**division of family resources**".
- 27 Page 63, line 8, delete "." and insert "**established by**
- 28 **IC 12-17.2-3-2.**".
- 29 Page 63, between lines 10 and 11, begin a new paragraph and insert:
- 30 "SECTION 99. IC 12-17.2-4-34 IS AMENDED TO READ AS
- 31 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 34. (a) In addition to
- 32 the other penalties imposed under this chapter, the division may impose
- 33 a civil penalty of not more than one thousand dollars (\$1,000) for the
- 34 violation of this article.
- 35 (b) The division shall deposit the civil penalties collected under this
- 36 section in the **division of family resources** child care fund **established**
- 37 **by IC 12-17.2-2-3.**".
- 38 Page 65, line 33, after "the" insert "**division of family resources**".
- 39 Page 65, line 33, delete "." and insert "**established by**
- 40 **IC 12-17.2-3-2.**".
- 41 Page 65, between lines 35 and 36, begin a new paragraph and insert:
- 42 "SECTION 103. IC 12-17.2-5-34 IS AMENDED TO READ AS
- 43 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 34. (a) In addition to
- 44 the other penalties imposed under this chapter, the division may impose
- 45 a civil penalty of not more than one thousand dollars (\$1,000) for the
- 46 violation of this article.
- 47 (b) The division shall deposit the civil penalties collected under this
- 48 section in the **division of family resources** child care fund **established**

1 by **IC 12-17.2-2-3.**"

2 Page 66, between lines 27 and 28, begin a new paragraph and insert:

3 "SECTION 106. IC 12-17.2-6-12 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) The division
5 shall charge a child care ministry a fifty dollar (\$50) fee for processing
6 a registration under section 2 of this chapter.

7 (b) The division shall deposit the fees collected under subsection (a)
8 in the **division of family resources** child care fund **established by**
9 **IC 12-17.2-2-3.**"

10 Page 158, line 31, delete "The decision of the director under this
11 chapter are" and insert "(a) **The department of child services child**
12 **care fund is established for the purpose of providing training and**
13 **facilitating compliance with and enforcement of IC 31-25 through**
14 **IC 31-28. The fund shall be administered by the department.**

15 (b) **The fund consists of the fees and civil penalties collected**
16 **under IC 31-25 through IC 31-28.**

17 (c) **The expenses of administering the fund shall be paid from**
18 **money in the fund.**

19 (d) **The treasurer of state shall invest the money in the fund not**
20 **currently needed to meet the obligations of the fund in the same**
21 **manner as other public funds may be invested. Interest that**
22 **accrues from these investments shall be deposited in the fund.**

23 (e) **Money in the fund at the end of a state fiscal year does not**
24 **revert to the state general fund."**

25 Page 158, delete line 32.

26 Page 163, line 36, delete "bureau" and insert "**agency**".

27 Page 163, line 39, delete "two bureaus of the department." and insert
28 "**bureau and the agency that administers Title IV-A of the Federal**
29 **Social Security Act.**"

30 Page 193, line 11, delete "who:" and insert "**who**".

31 Page 193, line 12, delete "(1)".

32 Page 193, line 13, delete "placement; or" and insert "**placement**".

33 Page 193, delete lines 14 through 17.

34 Page 193, run in lines 11 through 18.

35 Page 194, line 22, delete "adoption from a" and insert "**adoption**".

36 Page 194, delete line 23.

37 Page 195, line 2, after "the" insert "**department of child services**".

38 Page 195, line 3, delete "IC 12-17.2-2-3." and insert "**IC**
39 **31-25-1-16.**"

40 Page 201, line 36, delete "or of".

41 Page 201, line 36, after "employee" insert "**of the applicant**".

42 Page 201, line 37, delete "applicant," and insert "**applicant who has**
43 **direct contact with children who are under the direct supervision**
44 **of the applicant**".

45 Page 206, line 27, before "an employee" delete "or".

46 Page 206, line 27, after "employee" insert "**of the licensee**".

47 Page 206, line 28, delete "licensee," and insert "**licensee who has**

- 1 **direct contact with children who are under the direct supervision**
- 2 **of the licensee,".**
- 3 Page 207, line 24, after "the" insert "**department of child services**".
- 4 Page 207, line 24, delete "fund." and insert "**fund established by**
- 5 **IC 31-25-1-16.**".
- 6 Page 210, line 28, delete "or of".
- 7 Page 210, line 28, after "employee" insert "**of the applicant**".
- 8 Page 210, line 29, delete "," and insert "**who has direct contact**
- 9 **with children who are under the direct supervision of the**
- 10 **applicant,".**
- 11 Page 215, line 42, delete "or of".
- 12 Page 215, line 42, after "employee" insert "**of the licensee,**".
- 13 Page 216, line 1, delete "," and insert "**who has direct contact with**
- 14 **children who are under the direct supervision of the applicant,".**
- 15 Page 216, line 41, after "the" insert "**department of child services**".
- 16 Page 216, line 41, delete "IC 12-17.2-2-3." and insert "**IC**
- 17 **31-25-1-16.**".
- 18 Page 220, line 13, delete "or of".
- 19 Page 220, line 13, after "employee" insert "**of the applicant,**".
- 20 Page 220, line 14, delete "applicant," and insert "**applicant who has**
- 21 **direct contact with children who are under the direct supervision**
- 22 **of the applicant."**
- 23 Page 225, line 1, delete "licensee or of" and insert "**licensee,**".
- 24 Page 225, line 1, after "employee" insert "**of the licensee,**".
- 25 Page 225, line 2, delete "licensee," and insert "**licensee who has**
- 26 **direct contact with children who are under the direct supervision**
- 27 **of the licensee,".**
- 28 Page 225, line 41, after "the" insert "**department of child services**".
- 29 Page 225, line 41, delete "fund." and insert "**fund established by**
- 30 **IC 31-25-1-16.**".
- 31 Page 226, line 42, delete "or of".
- 32 Page 226, line 42, after "employee" insert "**of the licensee,**".
- 33 Page 227, line 1, delete "licensee," and insert **licensee who has**
- 34 **direct contact with children who are under the direct supervision**
- 35 **of the licensee,".**
- 36 Page 231, line 22, delete "or of".
- 37 Page 231, line 22, after "employee" insert "**of the licensee,**".
- 38 Page 231, line 23, delete "licensee," insert "**licensee who has direct**
- 39 **contact with children who are under the direct supervision of the**
- 40 **licensee,".**
- 41 Page 232, line 22, after "the" insert "**department of child services**".
- 42 Page 232, line 22, delete "fund." and insert "**fund, established by**
- 43 **IC 31-25-1-16.**".
- 44 Page 252, delete lines 20 through 23.
- 45 Page 264, between lines 33 and 34, begin a new paragraph and
- 46 insert:
- 47 "SECTION 306. IC 31-34-18-6.1, AS AMENDED BY

P.L.234-2005, SECTION 181, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.1. (a) The predispositional report prepared by a probation officer or caseworker shall include the following information:

(1) A description of all dispositional options considered in preparing the report.

(2) An evaluation of each of the options considered in relation to the plan of care, treatment, rehabilitation, or placement recommended under the guidelines described in section 4 of this chapter.

(3) The name, occupation and position, and any relationship to the child of each person with whom the preparer of the report conferred as provided in section 1.1 of this chapter.

(b) If a probation officer or a caseworker is considering an out-of-home placement, including placement with a blood or an adoptive relative caretaker, the probation officer or caseworker shall conduct a criminal history check (as defined in IC 31-9-2-22.5) for each person who

~~(1) is currently residing in the location designated as the out-of-home placement. or~~

~~(2) in the reasonable belief of the probation officer or caseworker, is expected to be residing in the location designated as the out-of-home placement during the time the child would be placed in the location.~~

The results of the criminal history check must be included in the predispositional report.

(c) A probation officer or caseworker is not required to conduct a criminal history check under this section if:

(1) the probation officer or caseworker is considering only an out-of-home placement to an entity or facility that:

(A) is not a residence (as defined in IC 3-5-2-42.5); or

(B) is licensed by the state; or

(2) placement under this section is undetermined at the time the predispositional report is prepared."

Page 266, line 3, delete "is:" and insert "is".

Page 266, line 4, strike "(1)".

Page 266, line 5, delete "chapter; or" and insert "chapter or".

Page 266, strike lines 6 through 8.

Page 286, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 337. IC 31-37-17-6.1, AS AMENDED BY P.L.234-2005, SECTION 186, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.1. (a) The predispositional report prepared by a probation officer or caseworker shall include the following information:

(1) A description of all dispositional options considered in preparing the report.

(2) An evaluation of each of the options considered in relation to the plan of care, treatment, rehabilitation, or placement

recommended under the guidelines described in section 4 of this chapter.

(3) The name, occupation and position, and any relationship to the child of each person with whom the preparer of the report conferred as provided in section 1.1 of this chapter.

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(1) is currently residing in the location designated as the out-of-home placement. or

(2) in the reasonable belief of the probation officer or caseworker, is expected to be residing in the location designated as the out-of-home placement during the time the child would be placed in the location.

The results of the criminal history check must be included in the predispositional report.

(c) A probation officer or caseworker is not required to conduct a criminal history check under this section if:

(1) the probation officer or caseworker is considering only an out-of-home placement to an entity or a facility that:

(A) is not a residence (as defined in IC 3-5-2-42.5); or

(B) is licensed by the state; or

(2) placement under this section is undetermined at the time the predispositional report is prepared."

Page 288, line 5, delete "is:" and insert "is".

Page 288, line 6, strike "(1)".

Page 288, line 8, delete "chapter; or" and insert "chapter or".

Page 288, strike lines 9 through 12.

Renumber all SECTIONS consecutively.

(Reference is to SB 132 as printed January 20, 2006.)

Senator LAWSON C